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UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA
CIVIL ACTION NO. 99CV2668 H (AJB)

GEN-PROBE, INCORPORATED

Plaintiff

v.

VYSIS, INC.

Defendant

Deposition of Anthony J. Janiuk

Wednesday, May 16, 2001

1:33 p.m.

Hale and Dorr, LLP

60 State Street

Boston, Massachusetts

Reporter: Deborah Roth, RPR

1 Q. The next entry on this page is a reference
2 to an Amoco method.

3 Based on your experience as an attorney
4 with Amoco or Gene-Trak, are you able to draw any
5 inferences about what method of amplification is
6 referred to there?

7 MR. LIPSEY: Same objection.

8 A. I have not seen this. I was not party to
9 this -- I was not at this partnership meeting. I do
10 not know what was discussed.

11 Q. And to the best of your recollection -- you
12 have not seen this document -- you can't recall ever
13 having heard these terms while you worked at Amoco
14 or Gene-Trak?

15 A. I have not heard anything spoken of as "the
16 Amoco method" or "the Gene-Trak method."

17 Q. And you're not able to form any belief about
18 what method of amplification might have been
19 described by those terms or referred to by those
20 terms?

21 A. No.

22 Q. To the extent you had interactions with
23 Dr. Richards at Amoco and Gene-Trak, did he seem to
24 have a basic understanding of patents?

14:11:58 1 A. Dr. Richards was not a patent attorney. He
14:12:06 2 often did not use words and phrases that we in --
14:12:17 3 that patent attorneys used, correctly.

14:12:22 4 He had -- was an intelligent man
14:12:32 5 technically, very good person, and he could deal
14:12:39 6 with intellectual property issues reasonably well.

14:12:46 7 He usually would seek counsel on most
14:12:50 8 things that involved patent law issues.

14:12:58 9 Q. I think you recalled a general impression
14:13:01 10 that Dr. Richards sometimes did not use words or
14:13:03 11 phrases correctly in a technical sense as a patent
14:13:10 12 lawyer might. Can you recall any particular
14:13:10 13 instances where he had that problem?

14:13:21 14 A. No. That has to do with my experience
14:13:24 15 working with him.

14:13:28 16 Q. But in terms of a particular instance, you
14:13:32 17 can't give me an example?

14:13:33 18 A. No.

14:13:39 19 Q. And I think you told me that it was
14:13:42 20 Dr. Richards' custom when dealing with important
14:13:47 21 matters to seek advice from patent counsel?

14:13:50 22 MR. LIPSEY: I object to the form. Lack
14:13:50 23 of foundation.

14:13:53 24 A. I think that he generally did, yes.

1 no.

2 Q. I would like you to look at Exhibit 143,
3 please.

4 MR. BOWEN: What I will ask to be marked
5 Exhibit 143.

6 (Exhibit No. 143 was marked.)

7 Q. Exhibit 143 is a letter dated November 14,
8 1989 to Dr. Richards. Your name is typed at the
9 bottom. It appears that someone may have signed the
10 letter for you.

11 Did somebody else sign the letter for
12 you?

13 A. I don't have any present recollection of
14 this letter, but it's on my letterhead, and it could
15 very well have been sent out to Dr. Richards at
16 Gene-Trak Systems.

17 MR. LIPSEY: That wasn't quite the
18 question he asked you.

19 A. What is it?

20 Q. Do you think somebody else signed the letter
21 for you?

22 A. I think that's my secretary's signature
23 signing my name, and I think that would have been at
24 my instruction, yes, sir.

1 Q. At one point in time did you have a
2 secretary whose initials were "VAY"?

3 A. I had I think a secretary named Vickie.

4 Q. That's only 12 years ago. Come on.

5 A. I don't know what her last name was.
6 Vickie -- I think I had a secretary Vickie.

7 Q. As you sit here, do you think it's likely
8 that Exhibit 143 was prepared at your request and
9 sent to Dr. Richards?

10 MR. LIPSEY: I object to the form.

11 A. I think that this letter was probably sent
12 at my instruction and did what it purports to have
13 done.

14 Q. Do you recall why you sent Dr. Richards a
15 copy of the '920 application in November of 1989?

16 A. Are you questioning the date or why I sent
17 it to Dr. Richards?

18 Q. Why.

19 A. Why I sent it to Dr. Richards?

20 I would have sent to it to Dr. Richards,
21 because I think this would have been one of the
22 assets that Amoco would have been contributing to
23 Gene-Trak Systems as part of the joint venture.

24 Q. Can you recall any conversations with